

Remarks:

As a follow-up to the telephone interview between Examiner Nguyen and Applicants' attorney, Jacob N. Erlich, on April 8, 2005, Applicants hereby provide a supplemental response to the telephone interview of April 8, 2005. The response which Applicants filed on April 5, 2005 did not consider a new oath or Declaration in compliance with 37 CFR 1.67(a) necessary since it was believed that the U.S. Patent and Trademark Office would make a copy of the Declaration submitted with Patent Application Serial No. 09/344,682 (now Patent No. 6,323,549). Applicants thank the Examiner for speaking with Applicants' attorney on April 8, 2005 regarding the Declaration.

The Examiner states in the Office Action of November 5, 2005 that the originally-filed declaration is not executed in accordance with either 37 CFR 1.66 or 1.68. Under 37 CFR 1.51(b)(2) and 1.53(f), a newly executed oath or declaration is not required in a continuation or divisional application, provided that:

- (i) The prior nonprovisional application contained an oath or declaration;
- (ii) The continuation or divisional application was filed by all or by fewer than all of the inventors named in the prior application;
- (iii) The specification and drawings filed in the continuation or divisional application contain no matter that would have been new matter in the prior application; and
- (iv) A copy of the executed oath or declaration filed in the prior application, showing the signature or an indication thereon that it was signed, is submitted for the continuation or divisional application.

Accordingly, Applicants submit a copy of the Declaration filed in Patent Application Serial No. 09/344,682 (now Patent No. 6,323,549). The current application is a divisional application of Patent Application Serial No. 09/990,615 which in turn is a divisional application of Patent Application Serial No. 09/344,682. The current case was filed by all of the same inventors of both parent applications, and the specification and drawings in the current

application contain no new matter that would have been new matter in the prior parent applications.

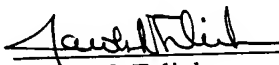
Furthermore, the Examiner states in the Office Action of November 5, 2005 that the declaration is defective because of many problems, such as not identifying the mailing address of each inventor or identifying the state or foreign country of residence of each inventor. Applicants respectfully point out that an Application Data Sheet was submitted with the filing of the current application which contained the mailing address and residence of each inventor. Copies of the Application Data Sheet, the Transmittal Form itemizing the contents of the application as filed, as well as the return postcard identifying the Application Data Sheet are enclosed herewith.

For the reasons discussed above, Applicants respectfully request the entry of the enclosed Declaration into the file the current application.

Should there be any questions after reviewing this paper, the examiner is invited to contact the undersigned at 617-854-4000.

Respectfully submitted,
L. PIERRE DEROCHEMONT, *et al.*
Applicants

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